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HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:4575 of 2006

DATED:09-03-2006

Between:

1. A.Radha Krishna Gupta and another

..... PETITIONER

AND

1. A.P.State Transport Corporatiion,
Musheerabad, Hyderabad, rep.by
its Managing Director, and 2 others.

.....RESPONDENTS

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ORAL ORDER:

A writ of certiorari is sought to quash the order of the State Transport Appellate Tribunal, Hyderabad, in M.P.No.223 of 2005 in R.P.No.239 of 2005 dated 29-12-2005.

While Sri M.Ravindranath Reddy, learned counsel for the petitioners, would

submit that the order passed by the tribunal is a final order, Sri K.Srinivas Rao, learned standing counsel appearing on behalf of the first respondent would submit that it is an interlocutory order. While the order does read as if the MP had come up for final hearing, the operative portion of the order states that the impugned order dated 10-11-2005 passed by the Secretary, State Transport Authority, is suspended until further orders and that the MP be called on 03-02-2006. I agree with the submission of Sri K.Srinivas Rao, learned standing counsel for the 1st respondent, that the impugned order passed by the State Transport Appellant Tribunal is an interlocutory order. The petitioners herein would therefore be entitled to seek vacation of the said order.

Sri M.Ravindranath Reddy, learned counsel for the petitioners, would submit that the petitioners have been plying the vehicle ever since 1983 and that the tribunal ought to have examined the balance of convenience before suspending the order, even if the notice in the revision is deemed to have been served on the petitioners. Learned counsel would further submit that in several other revisions the stay applications have been posted along with the revision and it is in this case alone that an interim order is passed.

It is true that the order under challenge is bereft of reasons. Since notice is deemed to be served and as the petitioners did not choose to enter appearance and contest the matter on merits, I do not consider it appropriate to examine these questions in exercise of the certiorari jurisdiction of this Court under Article 226 of the Constitution of India. Needless to state that all these contentions can be raised by the petitioners herein before the tribunal in the vacate stay petition to be filed by them.

Sri M.Ravindranath Reddy, learned counsel for the petitioners, submits that the petitioners shall file their application seeking vacation of the interim order within one week from today. It is for the tribunal thereafter to pass appropriate orders on such an application on merits.

The writ petition is accordingly disposed of at the admission stage. No order as to costs.

09th March, 2006

SKM